

Express Mail Label No.
EV595441503US

10-03-05
Atty. Docket No. 18528.231/ 226/104
1645#
XFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. Serial No.: 08/870,762

Inventors: Duft *et al.*

Filed: June 6, 1997

Title: METHODS FOR TREATING OBESITY

Confirmation No.: 7328

TC/A.U.: 1645

Examiner: Devi, S.

TRANSMITTAL

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed July 29, 2005, in connection with the above-identified application. Filed herewith is a Petition for a one-month extension of time, thereby extending the deadline for response to September 29, 2005. Accordingly, this response is timely filed.

Applicants submit the following for appropriate action by the U.S. Patent and Trademark Office:

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service for "Express Mail Post Office to Addressee" service, Express Mail Label No. EV595441503US, in an envelope addressed to the Mail Stop Sequence, Commissioner for Patents, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

September 29, 2005
Date Deposited

Amanda J. Halverson
Signature of Person Mailing Paper

Amanda J. Halverson
Name of Person Mailing Paper

1. Transmittal (3 pages);
2. Change of Correspondence Address (1 page);
3. Copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (4 pages);
4. A substitute sequence listing in computer readable form (CRF) on compact disc;
5. A substitute sequence listing on compact disc (2 identical copies);
6. Amendment in Response to Notice under 37 C.F.R. §§1.821-1.825 (21 pages);
7. A Compact Disk Transmittal Letter under 37 CFR §1.52(e) (2 pages);
8. A Statement under 37 CFR §1.821(f) (2 pages);
9. A Petition for Extension of Time Under 37 CFR §1.136(a) (1 page + copy (1 page));
10. A clean version of the Substitute Specification (40 pages);
11. A marked-up version of the Substitute Specification (40 pages);
12. A Specification as filed with Amendments filed on August 17, 1998, December 23, 1999, and December 2, 2002, included in bold (40 pages);
13. Affidavit (1 page); and
14. Return receipt postcard.

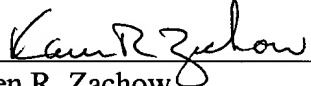
The Sequence Listing and the accompanying Amendment in Response to Notice under 37 C.F.R. §§1.821-1.825 are being provided to comply with the requirements of 37 C.F.R. §§1.821-1.825. The Sequence Listing submitted herewith replaces all previously submitted Sequence Listings for the above-referenced application. This submission, filed in accordance with 37 C.F.R. §1.821(g), does not include new matter.

No further fees are believed due for this submission. However, if a fee is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535. Additionally, the Commissioner is hereby authorized to charge payment or credit overpayment of any fees during the pendency of this application to Applicant's Deposit Account No. 010535.

Respectfully submitted,

AMYLIN PHARMACEUTICALS, INC.

Dated: 29 September 2005



Karen R. Zachow
Registration No. 46,332

AMYLIN PHARMACEUTICALS, INC.
9360 Towne Centre Drive
San Diego, CA 92121
Telephone: (858) 552-2200
Facsimile: (858) 552-1936

147



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/870,762	06/06/1997	BRADFORD J. DUFT	030639.0044.UTL	7328

7590 07/29/2005
Bradford J Duft Esq
Brobeck Phleger and Harrison LLP
12390 El Camino Real
San Diego, CA 92130-2081

EXAMINER

DEVI, SARVAMANGALA J N

ART UNIT	PAPER NUMBER
----------	--------------

1645

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/870,762	06/06/97	Duft et al.	030639.0044.UTL

Bradford J. Duft	EXAMINER	
	S. Devi, Ph.D.	
	ART UNIT	PAPER NUMBER
	1645	072005

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1) The instant application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, the instant application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. It should be noted that 37 CFR 1.821(a)(2)(c-d) states that each sequence disclosed must appear separately in the "Sequence listing" and in the text of the description and claims. See MPEP 2431.

The specification at pages 15-18 includes recitations of amino acid sequences longer than four amino acid residues in length, but does not identify the sequences by SEQ ID numbers, as required.

2) APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD OF TIME FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. 1.821(g). Extensions of time may be obtained under the provisions of 37 C.F.R. 1.136. In no case may an Applicant extend the period of reply beyond the SIX MONTH statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

3) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. The Examiner can normally be reached on Monday to Friday from 7.15 a.m to 4.15 p.m. A message may be left on the Examiner's voice mail system.

Application SN: 08/870,762
Art Unit: 1645

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (571) 272-0864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

July, 2005


S. DEVI, PH.D.
PRIMARY EXAMINER

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The amino acid sequences recited at pages 15-18 of the instant specification are not identified by SEQ ID numbers.

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE